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REMARKS

This response is intended as a full and complete response to the final Office Action mailed January 7, 2005. In the Office Action, the Examiner notes that claims 1-8 are pending and rejected. By this response, all of the claims continue amended.

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 1-8 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,707,796, issued March 16, 2004 to Li (hereinafter Li) in view of the U.S. Patent No. 6,173,324, issued January 9, 2001 to D'Souza (hereinafter D'Souza). The rejection is respectfully traversed.

Applicant's independent claim 1 (and similarly independent claims 3, 4, 5, 7 and 8) recites

A method for configuring a router to run the OSPF protocol when said router is added to a network of existing routers running OSPF, comprising the steps of

analyzing said router to determine if it is not an area border router (ABR) or if it is already connected to a network backbone,

if said router or its neighboring router is an ABR and is not already connected to said network backbone, then attempting to establish a virtual link through said router to said network backbone, and

if a virtual link cannot be established through said router, establishing a virtual link through a neighbor of said router to said network backbone. (emphasis added).

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Thus, it is impermissible to focus either on the "gist" or "core" of the invention.

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Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 230 USPQ 416, 420 (Fed. Cir. 1986) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added).

The Li reference discloses

In step 708, the logic determines whether the MSP Router is the Designated MSP Router for the (source, group) pair. If the MSP Router is the Designated MSP Router for the (source, group) pair, then the logic forwards the multicast packet over the outgoing interface including an MSP Option field 500 with the MSP Address field 520 equal to the address of the MSP Router, in step 714, and terminates in step 799. If the MSP Router is not the Designated MSP Router for the (source, group) pair, then the logic terminates in step 799 without forwarding the multicast packet over the outgoing interface. (see Li, column 10, lines 18-28).

Furthermore, the D'Souza reference fails to bridge the substantial gap as between the Li reference and the Applicant's invention. In particular, the D'Souza reference merely discloses

The rtchk sub-routine determines whether the routing tables collectively provide at least one path between the source of data 12 of FIG. 1 and the data destination 14 of FIG. 1. If, during execution of the rtchk routine during step 32 of FIG. 2, a new route is found, then that route is added during step 34 to a rtchk database 35 of FIG. 3 maintained by the monitoring system 21 of FIG. 1. An informational alarm is then generated to inform the network manager that a new route has been added. (see D'Souza, column 3, lines 37-45).

Thus the combined references merely disclose finding a new route and informing a monitoring system such that the monitoring system may generate an alarm that a new route has been added.

The teachings of the combined references are completely different than the Applicant's invention. Specifically, if a new router is added to the network, a virtual rate is established through a neighbor of the router to the network

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backbone. By contrast, the combined references merely disclose adding a route, without any precondition of first trying to establish a virtual link through the new router, and adding such new route (i.e., virtual link) through a neighbor of the router to the network backbone. Nowhere in the combination of Li and D'Souza is there any teaching or suggestion of establishing a virtual link through a neighbor of the router to the network backbone. Further, nowhere in the combined references is there any teaching or suggestion that the virtual link through the neighbor to the network backbone is established if a virtual link cannot be established through the router. Therefore, the combined references fail to teach or suggest the Applicant's invention as a whole.

As such, the Applicant submits that claims 1, 3, 4, 5, 7 and 8 are not obvious and fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 2 and 6 depend, either directly or indirectly, from independent said independent claims and recite additional features thereof. As such, and for at least the same reasons discussed above, the Applicant submits that these dependent claims also fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

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CONCLUSION

Thus, the Applicant submits that claims 1-8 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

2/25/05

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